

# Council control of planning process comes under fire

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The County Council would have the final say over regulations that affect the planning and development approval process, a key council committee has recommended.

Some see the move as a threat to the Planning Board's independence, including an adviser the council asked to help it reform the troubled agency.

"I think this [move] may be a bit of an overreaction," said Royce Hanson, a former Planning Board chairman and nationally recognized land-use expert.

Hanson is advising the council for free on how to improve a system that failed to catch hundreds of violations at Clarksburg Town Center.

"I can recall councils that might have [abused this]," Hanson told the Planning, Housing and Economic Development Committee on Monday.

A board that does not take the council seriously would not be reappointed, he added.

"Not having had anything that we review, I'm not comfortable waiting for the appointment process," Councilwoman Marilyn J. Praisner (D-Dist. 4) of Calverton replied.

Neither were her committee colleagues.

PHED Chairman Steven A. Silverman agreed with Hanson that a "run-away council could wreak havoc."

"Here's the choice — if people don't want us to micromanage the agency through strict legislative language, there has to be some [means] for oversight," said Silverman (D-At large) of Silver Spring.

Although the Maryland-National Capital Park and Planning Commission (under which Montgomery and Prince George's counties' planning boards each operate) was created by state law, the Montgomery Planning Board is responsible for implementing the county's planning process,

harder at their procedures [and] I'm not sure everything we're doing now is entirely necessary," said Councilwoman Nancy M. Floreen (D-At large) of Garrett Park.

But many of the proposed changes, including expanded public notice, are in response to concerns the council has been hearing from residents "for a while" although the Clarksburg problems were a catalyst, said Floreen, a former planning commissioner.

But the agency's Development Review chief, Rose G. Krasnow, who is struggling to repair a division she took over 15 months ago, said she is concerned about how far the council's review of regulations might reach.

"I'd hate to think that every time we realize something isn't working, we have to go back to the council for this," Krasnow said in an interview.

The council needs to "weigh in, but not have the final say," said Drew Powell, executive director of Neighbors for a Better Montgomery, which has criticized some council members, including Silverman and Floreen, because they have received much of their campaign contributions from developers and related businesses.

"We could see a greater culture of permissiveness," he said.

Montgomery County Civic Federation Land Use and Planning Committee Chairman Jim Humphrey said he is relieved that the council committee opposes transferring enforcement of site



Praisner

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ing the county's planning process, Silverman noted.

"I think the council clearly, under the Regional District Act, has authority over this," said Michael Faden, a lawyer for the County Council.

Specifically, the committee wants to require the Planning Board to adopt regulations defining what kinds of changes would require developers to go back to the board for amendments to site plans that govern projects.

The practice of letting staff planners unilaterally decide whether changes are minor and approve them, without public notice, is at the center of agency failures that residents uncovered at Clarksburg in July.

"Perhaps we should have looked

plans to the Department of Permitting Services, a move advocated by County Executive Douglas M. Duncan (D) who oversees the department. The council oversees the Department of Park and Planning.

The committee has asked DPS and Park and Planning officials to work out the details of how they would share responsibility for regulation and enforcement of projects in site plan zones, such as Clarksburg, where many standards are set by the Planning Board rather than by zoning code.

They are expected to present a memorandum of understanding to the committee before forwarding its recommendations to the full council at the end of the month.